

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE GOOGLE PLAY CONSUMER
ANTITRUST LITIGATION**

Case No. 3:20-cv-05761-JD

**[PROPOSED ORDER] GRANTING
MOTION TO APPOINT INTERIM CO-
LEAD CLASS COUNSEL**

This Document Relates to All Actions

DUTIES AND AUTHORITY

1 Now before the Court is Plaintiff Brian McNamara and Kondomar Herrera's Motion to
2 Appoint Interim Lead Counsel for the consumer class plaintiffs. The Court has considered the
3 parties' papers, relevant legal authority, and the record in this case.

4 For the reasons explained below, the Court **HEREBY GRANTS** the motion and
5 **APPOINTS** as Interim Co-Lead Counsel for the consumer plaintiffs:

6 (1) Cotchett, Pitre & McCarthy, LLP; and

7 (2) Kaplan Fox & Kilsheimer LLP.

8 Federal Rule of Civil Procedure 23(g)(3) permits courts to "designate interim counsel to act
9 on behalf of a putative class before determining whether to certify the action as a class action." The
10 Court considered:

11 (i) the work counsel has done in identifying or investigating potential
12 claims in the action; (ii) counsel's experience in handling class
13 actions, other complex litigation, and the types of claims asserted in
the action; (iii) counsel's knowledge of the applicable law; and (iv)
the resources that counsel will commit to representing the class.

14 Fed. R. Civ. P. 23(g)(1)(A). The foregoing firms satisfy the Rule 23(g) criteria.

15 1. Interim Co-Lead Counsel shall be responsible for the overall conduct of the litigation
16 on behalf of the proposed consumer class. Interim Co-Lead Counsel shall have the authority to
17 undertake all actions necessary to prosecute and resolve the actions, including the authority to
18 conduct all motion practice, discovery, settlement negotiations, as well as pretrial and trial
19 proceedings. Additionally, Interim Co-Lead Counsel shall have the authority to delegate tasks to a
20 Plaintiffs' Steering Committee as approved by the Court as necessary for the efficient and effective
21 conduct of the actions. Interim Co-Lead Counsel for the consumer class shall coordinate the
22 selection of counsel to act as spokesperson(s) at any hearings or pretrial conferences.

23 2. Interim Co-Lead Counsel are hereby designated as the counsel for plaintiffs in the
24 consolidated actions upon whom all notices, orders, pleadings, motions, discovery, and memoranda
25 relating to the consolidated actions shall be served, and Defendants shall effect service on the
26 consumer class in the consolidated actions by serving Interim Co-Lead Counsel. An agreement
27 reached between Defendant(s) and Interim Lead Counsel or their designee(s) shall be binding on
28 the consumer class plaintiffs.

STEERING COMMITTEE

TIME AND EXPENSES

TRANSFER OF ACTIONS

For good cause shown, **IT IS SO ORDERED.**

THE HON. JAMES DONATO
UNITED STATES DISTRICT COURT JUDGE